

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Zachary Herman	Team: Squad #12	CCRB Case #: 201905550	<input type="checkbox"/> Force	<input checked="" type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Monday, 06/24/2019 1:59 PM	Location of Incident: Over the phone; 42nd Precinct stationhouse	Precinct: 42	18 Mo. SOL 12/24/2020	EO SOL 8/10/2021	
Date/Time CV Reported Tue, 06/25/2019 12:29 PM	CV Reported At: CCRB	How CV Reported: Phone	Date/Time Received at CCRB Tue, 06/25/2019 12:29 PM		

Complainant/Victim	Type	Home Address

Subject Officer(s)	Shield	TaxID	Command
1. POM Paul Naughton	10647	960998	DBBX
2. POF Jennifer Herrera	26265	948219	042 PCT

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. POF Kadeen Powell	11800	956179	042 PCT
2. POM Jonathan Baez	12619	955740	042 PCT

Officer(s)	Allegation	Investigator Recommendation
A.POF Jennifer Herrera	Abuse: On June 24, 2019, over the phone, Police Officer Jennifer Herrera did not process § 87(2)(b)'s complaint regarding officers.	
B.POF Jennifer Herrera	Abuse: On June 24, 2019, over the phone, Police Officer Jennifer Herrera refused to provide her name to § 87(2)(b).	
C.POF Jennifer Herrera	Discourtesy: On June 24, 2019, over the phone, Police Officer Jennifer Herrera acted discourteously toward § 87(2)(b).	
D.POM Paul Naughton	Abuse: On June 25, 2019, at the 42nd Precinct stationhouse, Police Officer Paul Naughton did not process § 87(2)(b)'s complaint regarding officers.	

Case Summary

On June 25, 2019, § 87(2)(b) called the CCRB and this complaint was generated.

On June 24, 2019, at 1:59 p.m., § 87(2)(b) called the 42nd Precinct Stationhouse, and allegedly spoke to PO Jennifer Herrera. He alleged that PO Herrera refused to process a civilian complaint about officers, refused to provide her name to him, and hung up the phone on him (**Allegations A, B: Abuse of Authority, § 87(2)(g) Allegation C: Discourtesy, § 87(2)(g)**

On June 25, 2019, between 12:00 a.m. and 1:00 a.m., § 87(2)(b) traveled to the 42nd Precinct stationhouse and spoke to PO Paul Naughton, who refused to process a civilian complaint for § 87(2)(b) (Allegation D: Abuse of Authority, § 87(2)(g) § 87(2)(b) left the stationhouse.

Video footage from the lobby of the 42nd Precinct stationhouse was recovered in the course of this investigation (BR02).

Findings and Recommendations

Allegation (A) Abuse of Authority: On June 24, 2019, over the phone, Police Officer Jennifer Herrera did not process § 87(2)(b)'s complaint regarding officers.

Allegation (B) Abuse of Authority: On June 24, 2019, over the phone, Police Officer Jennifer Herrera refused to provide her name to § 87(2)(b)

Allegation (C) Discourtesy: On June 24, 2019, over the phone, Police Officer Jennifer Herrera acted discourteously to § 87(2)(b)

§ 87(2)(b) testified that he called 718-402-3887 six times between 1:01 p.m. and 1:23 p.m. on June 24, 2019. He spoke to a male individual during the course of one of these calls, and requested to file a civilian complaint. The individual placed § 87(2)(b) on hold, and after being on hold for an extended period of time, § 87(2)(b) disconnected the call. At 1:59 p.m., § 87(2)(b) called 718-402-3887 again. He stated he spoke to a female. He explained he was calling to file a report against police officers, and requested to file a civilian complaint. After placing § 87(2)(b) on hold for a few seconds, the female returned to the phone, told him that her lieutenant had informed her that civilian complaints could not be filed over the phone, and that he should come into the stationhouse to file a criminal complaint and a complaint against officers. § 87(2)(b) requested her name and the lieutenant's name. The female asked § 87(2)(b) why he needed her name, told him to come into the stationhouse, then hung up the phone. When he provided his sworn statement, § 87(2)(b) reviewed his cell phone's call log and read the time of the calls off of his phone into the record (BR01).

§ 87(2)(b) provided a screenshot of his calls placed on June 24, 2019, the call log shows a call being placed to 718-402-3887 at 1:59 p.m. (BR09).

Per the 2014 NYPD Telephone Directory, the phone number for the 42nd Precinct stationhouse is 718-402-3887 (BR07).

Per the 42nd Precinct Tour 2 Roll Call from June 24, 2019, PO Herrera was assigned as T/S operator on June 24, 2019 (BR08).

In her in-person statement, PO Herrera stated she was the telephone/switchboard (T/S) operator on June 24, 2019. She stated the T/S desk is at the front of the precinct stationhouse and faces into the lobby. She did not recall any phone conversation, and did not recall refusing to provide her name over the phone. She did not recall refusing to process a civilian complaint over the phone (BR03).

Footage from 42nd Precinct stationhouse entrance area shows that no officer answers a phone call at 1:59 p.m. on June 24, 2019. The video indicates the date and time on the bottom (BR02).

§ 87(2)(g)

Allegation (D) Abuse of Authority: On June 25, 2019, at the 42nd Precinct stationhouse, Police Officer Paul Naughton did not process § 87(2)(b)'s complaint regarding officers.

§ 87(2)(b) testified he traveled to the 42nd Precinct stationhouse between 12:00 a.m. and 1:00 a.m. on June 25, 2019. He entered the stationhouse and observed PO Naughton standing at the desk. He approached PO Naughton and stated that he wanted to file a police report for harassment and a civilian complaint. PO Naughton told § 87(2)(b) “We don’t do that at this Precinct,” in response to the request to file a civilian complaint. PO Naughton processed § 87(2)(b)'s police report, provided him an incident information slip, and § 87(2)(b) left the Precinct stationhouse (BR01).

PO Naughton did not recall interacting with § 87(2)(b) on June 25, 2019, and did not recognize a photo of § 87(2)(b)'s ID when he was shown it. PO Naughton did not recall refusing to process a civilian complaint, and stated he had never said, “We don’t do that at this Precinct,” in response to a civilian’s request to file a complaint against police officers (BR06).

No other dispositive evidence was recovered in the course of this investigation.

§ 87(2)(g)

Civilian and Officer CCRB Histories

- § 87(2)(b) has been party to four of CCRB complaints and has been named as a victim in eight allegations (Board Review 04):

§ 87(2)(b)

§ 87(2)(b)

- PO Herrera has been a member of service for ten years, and has been the subject of four CCRB cases and ten total allegations, none of these allegations have been substantiated § 87(2)(g).
- PO Naughton has been a member of service for three years, this is the first allegation against him.

Mediation, Civil and Criminal Histories

- § 87(2)(b) rejected mediation in the course of his in-person statement.
- [§ 87(2)(b)] [§§ 86(1)(3)&(4)] [§ 87(2)(c)]
 [§ 87(2)(b)] [§§ 86(1)(3)&(4)] [§ 87(2)(c)]
 [§ 87(2)(b)] [§§ 86(1)(3)&(4)] [§ 87(2)(c)]
- On September 18, 2019, a FOIL request was submitted to the New York City Office of the Comptroller. The results of this request are pending and will be added to the case file upon their receipt.

Squad No.: 12

Investigator: _____

Signature	Print Title & Name	Date
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Squad Leader: _____

Signature	Print Title & Name	Date
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Reviewer: _____

Signature	Print Title & Name	Date
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